

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

KRISTY GAMAYO, individually and on behalf of all others similarly situated,

Case No: C 11-00762 SBA

## ORDER DENYING PLAINTIFF'S MOTION TO APPOINT INTERIM COUNSEL

**Plaintiff,**

VS.

MATCH.COM, L.L.C.,

Defendant.

## Docket 5

The parties are presently before the Court on Plaintiff's Motion to Appoint Interim Class Counsel. Dkt. 5. Defendant contends that any request for appointment of interim class counsel at this juncture is, at best, premature based on the pendency of Defendant's Motion to Dismiss or, in the Alternative, to Transfer, in which Defendant seeks transfer of this case and the related actions (i.e., Case Nos. C 11-1076 SBA and C 11-1206 SBA) to the Northern District of Texas.

The Court is persuaded that the instant motion is premature. There presently are two earlier-filed putative nationwide class actions pending in the Northern District of Texas that allege claims ostensibly arising from the same nucleus of operative facts as those asserted by Plaintiff in this case. As such, the issue of whether this and the related actions will proceed in this or in another forum should be resolved prior to determining whom to appoint as interim lead counsel. Accordingly,

27

28

1 IT IS HEREBY ORDERED THAT Plaintiff's Motion to Appoint Interim Class Counsel  
2 is DENIED without prejudice to renewal following the Court's adjudication of Defendant's  
3 motion to dismiss or transfer. This Order terminates Docket 5.

4 IT IS SO ORDERED.

5 Dated: July 13, 2011

  
6 SAUNDRA BROWN ARMSTRONG  
7 United States District Judge

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28